

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO.  
04-10040-REK

INTAC INTERNATIONAL, INC.	)
Plaintiff	)
	)
v.	)
	)
A CORP d/b/a ROOTERMAN and	)
DONALD MACDONALD,	)
Defendants	)
	)

**MOTION TO DISMISS FOR DEFENDANT, DONALD MACDONALD**

Now comes the Defendant, Donald MacDonald ("MacDonald"), hereby moving this Honorable Court to dismiss the Complaint of Intac International, Inc. ("Plaintiff") as to the claims against MacDonald personally on the ground that Plaintiff failed to state a claim upon which relief can be granted under Fed. R. Civ. P. 12(b)(6) and Mass. R. Civ. P. 12(b)(6). The Defendant incorporates herein by this reference its accompanying memorandum of law.

March 22, 2004

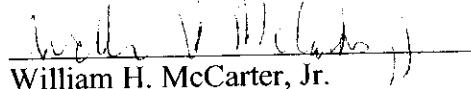
Respectfully Submitted by  
Donald F. MacDonald  
By his attorney,

  
William H. McCarter, Jr.  
BBO # 327620  
P.O. Box 1044  
Winchester, MA 01890  
(781) 729-3892

**CERTIFICATE OF SERVICE**

I certify that a true copy of the above document was served by fax and by mail upon the attorney of record for Plaintiff on the date set forth below.

Date: March 22, 2004

  
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William H. McCarter, Jr.